

**PUBLIC SAFETY DEPARTMENT[661]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 103A.7, the Building Code Commissioner hereby gives Notice of Intended Action to amend Chapter 310, “Sustainable Design Standards,” Iowa Administrative Code.

Iowa Code section 103A.8B authorizes the Building Code Commissioner to adopt sustainable design standards for construction projects. These standards apply when triggered by another provision of law. During its 2009 session, the Iowa General Assembly authorized tax refunds to owners of certain data centers. One requirement to receive this tax refund is that the construction of the building or portion of the building which hosts the data center meets sustainable design standards established by the Building Code Commissioner. The energy usage requirements of data centers may bar these projects from meeting the general requirements established for commercial construction projects for approval. The proposed amendments provide alternative requirements for construction projects involving buildings or portions of buildings which will house data centers to be approved as sustainably designed.

These amendments were also Adopted and Filed Emergency and are published herein as **ARC 8441B**. The amendments became effective on January 1, 2010. The purpose of this Notice is to solicit comment on that submission, the subject matter of which is incorporated by reference.

A public hearing to accept comment on the proposed amendments will be held in the First Floor Public Conference Room (Room 125) at the State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319, at 10 a.m. on February 9, 2010. Persons wishing to speak at the public hearing should contact the Agency Rules Administrator by telephone at (515)725-6185 or E-mail to [admrule@dps.state.ia.us](mailto:admrule@dps.state.ia.us) at least one day prior to the hearing.

Comments on the proposed amendments may also be made by E-mail to [admrule@dps.state.ia.us](mailto:admrule@dps.state.ia.us), by telephone to (515)725-6185, or by mail to the Agency Rules Administrator, Iowa Department of Public Safety, 215 East 7th Street, Des Moines, Iowa 50319. Comments should be submitted by 4:30 p.m. on February 8, 2010.

Provisions of the State Building Code are not subject to the usual waiver provisions applicable to most administrative rules but instead are subject to the procedures established in Iowa Code section 103A.13 for approval of alternate materials and methods of construction.

These amendments are intended to implement Iowa Code section 103A.8B.